

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**IN RE:**

**NELSON VARGAS CORDERO  
MARY J. RODRIGUEZ QUINONES  
  
DEBTORS**

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**CASE NO 98-10612-ESL  
  
CHAPTER 13**

**IN RE:**

**NELSON VARGAS CORDERO  
MARY J. RODRIGUEZ QUINONES**

**PLAINTIFFS**

**Vs.**

**COOPERATIVA DE AHORRO Y CREDITO  
NUESTRA SENORA DE LA CANDELARIA;  
JOHN DOE and JANE ROE;  
X,Y, AND/OR Z INS. COS.**

**ADV. NO.: 11-00151**

**VIOLATION OF DISCHARGE  
INJUNCTIVE RELIEF /  
CONTEMPT/DAMAGES**

**DEFENDANTS**

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**JOSE CARRION MORALES  
CHAPTER 13 TRUSTEE/PARTY IN INTEREST  
CASE # 11-02484**

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**PLAINTIFFS' STATEMENT OF MATERIAL FACTS**

**TO THE HONORABLE COURT:**


COME NOW, THE PLAINTIFFS in the above-captioned proceeding, acting through counsel and pursuant Local Rule 56(b) of the United States Court for the District of Puerto Rico, and file the following Statement of Material Facts in support of their motion for partial summary judgment on the issue of Defendant's liability for willful violation of the discharge injunction

and contempt of Court. It is the Plaintiffs' position that the following material facts are uncontested and support the granting of summary judgment on the issue of liability.

1. On July 31, 1998, Plaintiffs filed bankruptcy case # 98-10612-ESL, a chapter 13 case, in the Bankruptcy Court for the District of Puerto Rico. (See docket, bankruptcy case # 98-10612-ESL) (references to case # 98-10612 shall be to "Bkcy Dkt \_\_\_"; references to the docket of this proceeding shall be to Adv. P. 11-00151)
2. Schedule F to the petition in case 98-10612 lists an unsecured claim for an account ending in 4059-2 in favor of the Cooperativa de Ahorro y Credito Nuestra Senora de la Candelaria ("CandelCoop" or "Defendant") (See Bkcy Dkt. 1, Schedule F)
3. CandelCoop was listed in the creditor mailing matrix in Bkcy # 98-10612-ESL. (See creditor mailing matrix in case 98-10612-ESL)
4. The Court issued notice to creditors of the filing of Debtors' case and of the section 341 meeting of creditors. (See Bkcy Dkt. 3, certificate of service)
5. CandelCoop was listed in the certificate of service giving notice of Debtors' bankruptcy case and of the 341 meeting of creditors. (Id.)
6. CandelCoop filed a proof of claim in case # 98-10612. (See Bkcy 98-10612-ESL, claims register, claims 6 & 9) (Adv. P. 11-00151, Complaint / Answer at par 11)
7. CandelCoop's claim was filed to collect on account ending in #4059 and/or 4059-2, for money loaned to Debtors. (Id.)
8. The Debtors received a discharge in case 98-10612-ESL. (See Bkcy Dkt. 11) (Adv. P. 11-00151, Complaint / Answer at par 10)
9. CandelCoop was issued notice of the order of discharge by the Court. (Id.); (Bkcy Dkt 13)

10. The address to which Candelcoop was issued notice of the discharge order is the same address listed by CandelCoop in its proof of claim. (Dkt. 13; Case 98-10612 claims register, claims 6, 9)
11. CandelCoop filed collection of money action # CM 10-1548, in First Instance Court of Vega Baja ("Vega Baja court"). (See Complaint, Adv. P. 11-00151, Exhibit 1) (Adv. P. Complaint / Answer par 18)
12. Debtors were served process for CandelCoop's collection of money action in Vega Baja state court. (Id.) (Adv. P. 11-00151, Complaint / Answer par 20)
13. CandelCoop filed a motion in response to order in the state court attesting that the Debtors' bankruptcy had not been granted. (See Complaint, Adv. P. 11-00151, Exhibit 2) (Adv. P. 11-00151, Complaint / Answer par 24)
14. CandelCoop's action in Vega Baja state court was to collect on the same claim discharged in bankruptcy case 98-10612. (Id.)

**RESPECTFULLY SUBMITTED**, In Arecibo, Puerto Rico, this 27<sup>th</sup> day of April, 2012.

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